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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

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7 MONTE RUSSELL and DANIEL
8 FRIEDMAN, on behalf of themselves and
9 others similarly situated,

10 Plaintiffs,
11 v.
12 WELLS FARGO AND COMPANY and
13 WELLS FARGO BANK, N.A.,
14 Defendants.

15 MARTIN LEWIS, AARON COOPER, and
16 ANISSA SCHILLING, on behalf of themselves
17 and a class of those similarly situated,

18 Plaintiffs,
19 v.
20 WELLS FARGO & CO.,
21 Defendant.

CASE NO: C 07 3993 CW
JUDGE CLAUDIA WILKEN
COURTROOM 2

**STIPULATION RE:
TRANSFER OF RICHARD RODNEY
TUCKER;
~~PROPOSED~~ ORDER
APPROVING TRANSFER**

CASE NO. C 08-02670 CW

22 Plaintiffs Monte Russell and Daniel Friedman (“*Russell Plaintiffs*”) and Defendants
23 Wells Fargo Bank, N.A., and Wells Fargo & Company, who are parties in *Russell, et al. v.*
24 *Wells Fargo & Co., et al.*, Case No. C-07-3993 CW (N.D. Cal.) (“*Russell*”), and Plaintiffs
25 Martin Lewis, Aaron Cooper, and Anissa Schilling (“*Lewis Plaintiffs*”) and Defendant Wells
26 Fargo & Co., who are parties in *Lewis, et al. v. Wells Fargo & Co.*, Case No. C 08-02670 CW,
27 through their respective counsel, hereby stipulate as follows:

28 WHEREAS, this Court deemed the *Russell* and *Lewis* lawsuits as related pursuant to
Local Rule 3-12 by way of Order dated June 11, 2008 (*Russell* Docket No. 28);

1 WHEREAS, Richard Rodney Tucker signed a document entitled Consent to Join the
2 FLSA Collective Action (“Consent Form”), thereby giving his consent to become a party
3 plaintiff in the *Russell* action;

4 WHEREAS, on October 2, 2008, Plaintiffs’ counsel in *Russell* filed a Notice of Filing
5 Consent to Become a Party Plaintiff, which included Mr. Tucker’s Consent Form (“Notice”)
6 (*Russell* Docket No. 65);

7 WHEREAS, counsel for *Russell* Plaintiffs, *Lewis* Plaintiffs and Defendants subsequently
8 learned that Mr. Tucker worked for Defendants as a Network Analyst 2 from on or about July 1,
9 2006, to on or about November 25, 2006, and therefore does not satisfy the definition of the
10 class conditionally certified in the *Russell* action, but does satisfy the definition of the class
11 conditionally certified in the *Lewis* case;

12 WHEREAS, all parties agree to the transfer of Mr. Tucker’s Consent Form from the
13 *Russell* action to the *Lewis* action with the effective opt-in date of October 2, 2008;

14 NOW, THEREFORE, through their respective counsel, THE PARTIES HEREBY
15 STIPULATE AS FOLLOWS:

16 1. Richard Rodney Tucker’s October 2, 2008 Consent to Join the FLSA Collective
17 Action is hereby withdrawn from the *Russell* matter and transferred to the *Lewis* matter;

18 2. Mr. Tucker is no longer a party plaintiff to the *Russell* action;

19 3. Mr. Tucker’s rights shall be determined as though he never signed a Consent
20 Form in the *Russell* matter;

21 4. Instead, Mr. Tucker’s rights shall be determined as though he signed and caused
22 to be filed a Consent Form in the *Lewis* matter with an opt-in date of October 2, 2008.

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**LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON**

DATED: June 3, 2010

By: /s/ T. Joseph Snodgrass
T. JOSEPH SNODGRASS

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DANIEL FRIEDMAN

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DATED: June 3, 2010

By: /s/ Jahan C. Sagafi
JAHAN C. SAGAFI

Attorneys for *Lewis* Plaintiffs

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DATED: June 3, 2010

By: /s/ Theresa A. Kading
THERESA A. KADING

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AUDREY SHEN CHUI

DATED: June 3, 2010

By: /s/ Joan B. Tucker Fife

Attorneys for Defendant WELLS FARGO & COMPANY

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Richard Rodney Tucker's October 2, 2008 Consent to Join the FLSA Collective Action is hereby withdrawn from the *Russell* matter and transferred to the *Lewis* matter;

2. Mr. Tucker is no longer a party plaintiff to the *Russell* action;

3. Mr. Tucker's rights shall be determined as though he never signed a Consent Form in the *Russell* matter;

4. Mr. Tucker's rights shall be determined as though he signed a Consent Form in the *Lewis* matter with an opt-in date of October 2, 2008.

Dated: **September 8**, 2010

Chadiele Witt

THE HONORABLE CLAUDIA WILKEN
DISTRICT COURT JUDGE